

RECEIVED  
CENTRAL FAX CENTER

OCT 05 2010

## REMARKS

Kindly reconsider and allow the claims.

Two basic references have been cited, Dupont and Yamashita.

Dupont describes homogenizing a shark cartilage in an aqueous solution which is separated into a solid extract and a liquid extract, and then using the liquid extract for cosmetic application.

Yamashita describes extracting powdery Aspalathus Linearis or its heated and fermented material with water and an organic solvent, purifying the liquid and using it for cosmetic application.

Neither Dupont nor Yamashita described, suggested or would have made obvious a combination of the two liquid extracts.

In contrast, the present invention describes obtaining powders [0024] from "a solid fraction (SOLID EXTRACT)" that Dupont mentions but does not use and specifically excludes from use.

In further contrast, the present invention described using Rooibos (Aspalathus Linearis) powder [0027] Herbasec MPE Rooibus.

The present invention creates a new and unobvious composition of about 0.25-2.0 wt % deep sea fish protein powder and about 1-20 wt % of extract of Rooibus with fillers or agents in a pharmaceutical composition. The combination of an extract of deep sea fish and an extract of rooibus as pointed out in claims 1 and 18 is new and unobvious.

The percentage of the combination of an extract of deep sea fish and an extract of rooibus as pointed out in claims 1 and 18 are new and unobvious.

In contrast, Dupont and Yamashita each uses only one active ingredient extract.

The percentage ranges described in claim 1 and 18 are not described in or suggested by the references.

Claim 19 points out that the percentage of deep sea fish extract is about 24%. That is not suggested or made obvious by Dupont.

Claim 20 point out that the percentage of rooibus extract is about 1.40%. That is not suggested or made obvious by Yamashita.

Claim 4 adds to the new and unobvious combination of claim 1 a horsetail extract, a shellfish extract or both.

Nothing in the prior art suggests or would have made obvious the combining of those three extract.

Shibata describes using an equisetum arvense L extract, but does not suggest or make obvious the use of that extract with any other extract or a combination of extract.

Claim 5 distinguishes and would not have been obvious from the references. Claim 5 adds diacetyl bolding to the new and unobvious combined extract in claim 1.

Honda has been cited for diacetyl boldine. However, neither the Honda translation nor the one page machine translation mentions diacetyl boldine. Even if Honda has mentioned diacetyl boldine, that would not have suggested or made obvious the

combination of diacetyl boldine with the new and unobvious combination pointed out in claim 1.

Claim 7 distinguishes and would not have been obvious from the references. Claim 7 points out the topical administration of the composition of claim 1 to the scalp.

Nothing in the Dupont and Yamashita references would have suggested the new and unobvious composition of claim 1. Nothing in the references would have rendered obvious the application of the new and unobvious composition to the scalp.

Yamashita describes applying a product to hairs for a humectant effect on hair. Yamashita does not describe application to the scalp. Dupont does not mention scalp.

Claim 11 adds to claim 1 use of the new and unobvious composition as a medicament. That would not have been obvious from any of the references.

Claim 12 describes the new and unobvious composition of claim 1 lotion, cream, emulsion, foundation, shampoo, rinse, hair liquid, set lotion hair tonic, and combinations thereof. That would not have been obvious from any of the references.

Claim 13 further limits the deep sea fish extract to 0.5-1.5% of the new and unobvious composition. That would not have been obvious from any of the references.

Claim 14 further limits the deep sea fish extract to 1.0% of the new and unobvious composition. That would not have been obvious from any of the references.

Claim 15 further restricts the rooibos to about 2-12% of the new and unobvious composition. That would not have been obvious from any of the references.

Claim 16 further restricts the rooibos to about 3-10% of the new and unobvious composition. That would not have been obvious from any of the references.

Claim 17 further restricts the rooibos to about 5-8% of the new and unobvious composition. That would not have been obvious from any of the references.

Claims 8 and 9 further point out that the new and unobvious composition of claim 1 is in the form of a tablet.

Claim 6 further points out that the new and unobvious composition of claim 1 is in the form of a capsule, a lozenge or a sachet.

Nothing in the references would have suggested the new and unobvious form of the new and unobvious composition.

The invention is new and unobvious.

The claims particularly point out new and unobvious features of the invention which are not found in, suggested by or made obvious by the prior art references.

Oct 05 10 01:49p

J C WRAY

703 448-7397

p.12

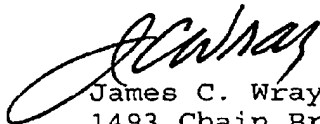
RECEIVED  
CENTRAL FAX CENTER

OCT 05 2010

CONCLUSION

Reconsideration and allowance of the claims are requested.

Respectfully,



James C. Wray, Reg. No. 22,693  
1493 Chain Bridge Road, Suite 300  
McLean, Virginia 22101  
Tel: (703) 442-4800  
Fax: (703) 448-7397

October 5, 2010